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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,027	06/05/2000	Martin Cieslak	CISCP 139	8527

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BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
KANG, PAUL H

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/588,027	CIESLAK ET AL.
		Examiner	**Art Unit**	
		Paul H. Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 June 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Heddaya et al., US Pat. No. 6,205,481 in view of Balassanian, US Pat. Application No.

2005/0021857 A1.

2.   As to claims 1, 16, 20, 21, 22 and 23, Heddaya teaches the invention substantially as

claimed. Heddaya teaches a computer-implemented method for routing data traffic in a network

having a plurality of network layers including an application layer, physical, data link, and

network layers, the method comprising:

receiving redirected data traffic with a network cache (Heddaya, col. 3, line 23 – col. 5,

line 22).

However, Heddaya does not explicitly teach selecting one of a plurality of routing

options for the data traffic with reference to information associated with the network cache, the

application layer, or outside of the physical, data link, and network layers; and routing the data

traffic according to the selected routing option.

In the same field of endeavor, Balassanian teaches routing based on information

associated with the network cache, the application layer, or outside of the physical, data link, and

network layers; and routing the data traffic according to the selected routing option (Balassanian,

paragraph 0040-0045).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have incorporated the method of routing based on information in the

application layer, such as document type (e.g. jpg, htm, gif), as taught by Balassanian, into the

networked cache system of Heddaya for the purpose of routing data based on data content in

addition to destination addresses.

3.   As to claim 2, Heddaya-Balassanian teaches the method wherein the data traffic has been

redirected from an original destination according to a caching protocol (Heddaya, col. 3, line 23

– col. 5, line 22).

4.   As to claim 3, Heddaya-Balassanian teaches the method wherein the data traffic

comprises a request from a source platform to a destination platform (Heddaya, col. 3, line 23 –

col. 5, line 22).

5.   As to claim 4, Heddaya-Balassanian teaches the method wherein the data traffic

comprises a response to a request, the request being from a source platform to a destination

platform (Heddaya, col. 3, line 23 – col. 5, line 22).

6.   As to claim 5, Heddaya-Balassanian teaches the method further comprising parsing the

information associated with the application layer (Balassanian, paragraph 0040-0045).

7.   As to claims 6 and 7, Heddaya-Balassanian teaches the method wherein the information

comprises a URL including suffixes associated with the data traffic (Heddaya, col. 5, line 60 –

col. 6, line 50; Balassanian, paragraph 0040-0045).

8.   As to claims 8-10, Heddaya-Balassanian teaches the method wherein parsing the

information comprises determining whether the suffix associated with the URL indicates one of

a plurality of MIME types comprising *.gif, *.jpg, *.pdf, *.mpX, *.htm, and ascii or binary data

objects (Balassanian, paragraph 0040-0045).

9.   As to claim 11, Heddaya-Balassanian teaches the method wherein selecting one of the

plurality of options comprises setting one of a plurality of socket options for the data traffic

(Balassanian, paragraph 0034-0035).

10.   As to claims 17 and 18, Heddaya-Balassanian teaches the method wherein the

information relate to whether a data object associated with the data traffic is cacheable, and

comprises a forced load (Heddaya, col. 5, line 60 – col. 6, line 50; Balassanian, paragraph 0040-

0045).

11.   As to claim 19, Heddaya-Balassanian teaches a computer program product comprising a

computer readable medium having computer program instructions stored therein for

implementing the method of claim 16 (Heddaya, col. 5, line 60 – col. 6, line 50; Balassanian,

paragraph 0040-0045).

12.   As to claims 24 and 25, Heddaya-Balassanian teaches a method wherein the selecting of

the plurality of routing options for the data traffic is based on relative network resource expense

of data traffic types or wherein the application layer information correlates to a relative size of an

object that the request seeks (Heddaya, col. 7, line 64 – col. 8, line 49).

13.   Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Heddaya-Balassanian as applied above, and further in view of Dillon, US Pat. No.

6,016,388.

14.   As to claim 12, Heddaya-Balassanian teach the invention substantially as claimed.

However, Heddaya-Balassanian do not teach the method wherein the plurality of socket options

include a first link and a second link, the first link socket option being selected for a first type of

a data traffic and the second link socket option being selected for a second type of data traffic.

   In the same field of endeavor, Dillon teaches said method wherein the plurality of socket

options include a first link and a second link, the first link socket option being selected for a first

type of a data traffic and the second link socket option being selected for a second type of data

traffic (Dillon, col. 1, line 14 – col. 2, line 32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated socket options as taught by Dillon into the system of Heddaya-Balassanian for the purpose of enabling a more efficient use and application of the various communication channels.

15.   As to claim 13, Heddaya-Balassanian-Dillon teaches the method wherein the first and second links comprise land and satellite links, respectively (Dillon, col. 1, line 14 – col. 2, line 32).

16.   As to claim 14, Heddaya-Balassanian-Dillon teaches the method wherein the first and second types of data comprise ascii and binary data, respectively (Dillon, col. 1, line 14 – col. 2, line 32).

17.   As to claim 15, Heddaya-Balassanian-Dillon teaches a computer program product comprising a computer readable medium having computer program instructions stored therein for implementing the method of claim 1 (Heddaya, col. 3, line 23 – col. 5, line 22; Balassanian, paragraph 0040-0045).
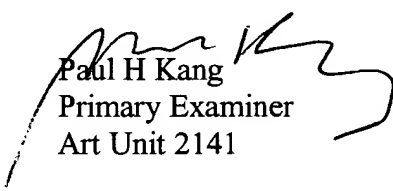
Response to Arguments

18.   Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record failed to teach "content-routing"

Conclusion

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The

examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul H Kang
Primary Examiner
Art Unit 2141